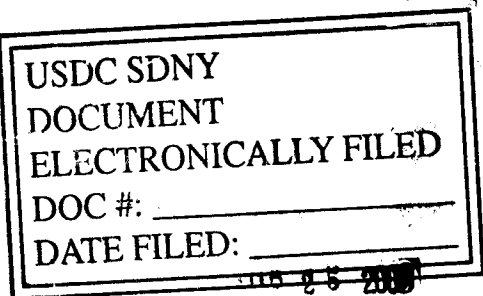


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
EDWARD GARDNER, :  
a/k/a "Alex," and :  
KENROY GLADDEN, :  
a/k/a "Michael Richardson," :  
a/k/a "Smiley," :  
:  
Defendants. :  
- - - - - x

SUPERSEDING  
INDICTMENT

S1 07 Cr. 1229 (JSR)



COUNT ONE

The Grand Jury charges:

1. From at least in or about 2006, up to and including in or about October 2007, in the Southern District of New York and elsewhere, EDWARD GARDNER, a/k/a "Alex," and KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that EDWARD GARDNER, a/k/a "Alex," and KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine

base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 3, 2007, EDWARD GARDNER, a/k/a "Alex," the defendant, was in possession of, among other things, approximately 150 grams of crack cocaine, an electronic scale with crack residue, and a loaded 9 millimeter firearm, in his residence in the Bronx, New York;

b. On or about September 29, 2007, KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendant, delivered approximately 25 grams of crack cocaine to a co-conspirator not named as a defendant herein ("CC-1"), who in turn sold it to an undercover police officer in the Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

4. On or about September 29, 2007, in the Southern District of New York, KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a

controlled substance, to wit, approximately 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT THREE

5. On or about October 3, 2007, in the Southern District of New York, EDWARD GARDNER, a/k/a "Alex," the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, approximately 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2.)

COUNT FOUR

6. From in or about 2006 up to and including on or about October 3, 2007, in the Southern District of New York and elsewhere, EDWARD GARDNER, a/k/a "Alex," and KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendants, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics conspiracy

charged in Count One of this Indictment, did use and carry a firearm, and did possess a firearm in furtherance of such crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

FORFEITURE ALLEGATION

7. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Indictment, EDWARD GARDNER, a/k/a "Alex," and KENROY GLADDEN, a/k/a "Michael Richardson," a/k/a "Smiley," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One through Three of the Indictment, for which the defendants are jointly and severally liable.

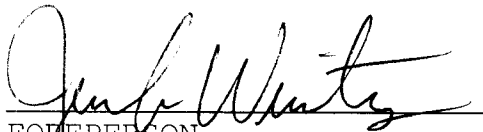
Substitute Asset Provision

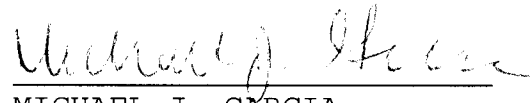
8. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

EDWARD GARDNER,  
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KENROY GLADDEN,  
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a/k/a "Smiley,"

Defendants.

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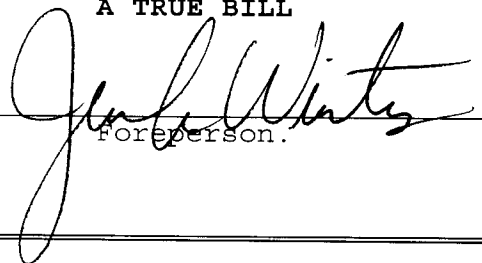
INDICTMENT

S1 07 Cr. 1229 (JSR)

(Title 21, United States Code,  
Section 846, 812, 841(a)(1), 841(b)(1)(B),  
841(b)(1)(A), and Title 18, United States  
Code 924(c))

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

  
Foreperson.

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